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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,487	05/23/2001	Kang-Soo Seo	2950-0193P	8960
2292	7590	09/01/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,487

Applicant(s)

SEO ET AL.

Examiner

HUY T. NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☒ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 20-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 20-23 is directed to information stored to a medium . Since the information do not provide any functional interrelationship to the medium to control the medium to access the information , or impart to any software or hardware structural components to provide a certain functions that is processed by a computer , the information do not make them statutory . See MPEP 2100

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwagi et al (6,546,195).

Regarding claims 1 and 20, Kashiwagi discloses a method of recording data stream including multi-path stream section a recording medium, comprising the steps

recording data stream in a recording medium;

grouping multi-path (multi angle) stream section of the recorded data stream into single stream object (Figs. 20-21, 27-31).

Regarding claim 2 and further for claim 20, Kashiwagi teaches the method set forth in claim 1, further comprising the step of creating time entries having location information indicating each boundary position between stream segments of different path, and recording the created time entries (column 52, lines 5-20).

Regarding claims 3 and 21, Kashiwagi further teaches the method set forth claim 2, wherein said time entry further contains information notifying whether corresponding data stream interval multi-path or not (column 48, lines 65-68, column 52, lines 25-30).

Regarding claim 4, Kashiwagi further teaches the method set forth claim 3, wherein said time entry of creating time entries having further contains a path number (angle number) if corresponding data stream interval is for multi-path (Figs. 27, 29, 30-31).

Regarding claim 5, Kashiwagi further teaches the method set forth information claim 2, wherein said location information is an index number of a start stream object among stream object units constituting data stream interval associated with said time entry (Figs. 54-55) .

5. Claims 1-2 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugimoto et al (6,470,140).

Regarding claims 1 and 20, Sugimoto discloses a method of recording data stream including multi-path stream section on a recording medium, comprising the steps
recording data stream in a recording medium;
grouping multi-path stream section of the recorded data stream into single stream object (Figs. 44-48,54-55) .

Regarding claim 2, Sugimoto teaches the method set forth in claim 1, further comprising the step of creating time entries having location information indicating each boundary position between stream segments of different path, and recording the created time entries (Fig. 44-48).

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamauchi et al (5,771,334).

Regarding claim 1, Yamauchi discloses a method of recording data stream including multi-path stream section a recording medium, comprising the steps
recording data stream in a recording medium (Figs. 4-5).

grouping multi-path stream section of the recorded data stream into single stream object (Figs. 13 –14 and 23).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3 –5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al in view of Yamauchi (5,771,334).

Regarding claims 3 and 21 , Sugimoto fails to teaches further teaches the method set forth claim 2, wherein said time entry further contains information notifying whether corresponding data stream interval multi-path or not.

Yamauchi teaches an apparatus for recording information to indicate whether a segment is multi path or not (fig. 14, 23) .

It would have been obvious to one of ordinary skill on the art to modify Sugimoto with Yamauchi by using the teaching of Yamauchi for providing the time entry of Sugimoto with information notifying whether the corresponding data stream interval is multi path or not thereby accurately accessing the data of multi path data stream.

Regarding claim 4, Sugimoto teaches said time entry of creating time entries having further contains a path number if corresponding data stream interval is for multi-path (column 27, lines 50-65).

Regarding claim 5, Sugimoto further teaches the method set forth information claim 2, wherein said location an index number of a start stream object among stream object units constituting data stream interval associated with said time entry (column 27).

Allowable Subject Matter

9. Claims 9- 19 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter of claims 9-19:

The prior art fail to teach .

A method of searching data stream including multi-path stream section recorded in a recording medium that comprises a combination of steps,

searching for a time entry whose accumulated time length is closest to a target value when a searching operation is requested;

checking whether a path information written in the time entry found in said step equal to an entered path number; and

searching for a location of recorded data stream by accumulated size information written in the found time entry, based on checked result as specified in claim 9.

The prior art fail to teach .

A method of searching data stream including multi-path stream section recorded in a recording medium, comprising a combination of the steps

summing up incremental written in each time entry;

determining a time entry whose incremental time length makes the summed time length closest target value;

checking whether path information written in the determined time entry equal an entered path number; and

searching for a location of recorded data stream close to position the target value, based on the checked result as specified in claim 14 .

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER